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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GENENTECH, INC.,
 Plaintiff,

vs.

THE TRUSTEES OF THE UNIVERSITY OF
 PENNSYLVANIA, a Pennsylvania non-profit
 corporation,
 Defendant.

) Case No: 5:10-CV-2037-LHK (PSG)
)
) **FINAL JOINT STIPULATION AND**
) **ORDER REGARDING (A)**
) **COMPLIANCE WITH A PORTION OF**
) **THE COURT'S NOVEMBER 22 ORDER**
) **AND (B) TO MOVE TO RECONSIDER**
) **THE COURT'S ORDER**
)
) **Hearing Date: TBD**
) **Time: TBD**
) **Judge: Hon. Magistrate Paul S. Grewal**
)
)
)

1 WHEREAS on March 1, 2011, plaintiff Genentech, Inc. (“Genentech”) and defendant the
2 Trustees of the University of Pennsylvania (“the University”) filed a Seventh Joint Stipulation and
3 Proposed Order to Extend the Deadline for Genentech to File Objections to the Court’s November
4 22 Order (Dkt. No. 113) to March 8, 2011; and

5 WHEREAS the parties wanted the deadline extension to discuss whether there is a way to
6 limit Genentech’s production of regulatory materials, other than the BLA Submissions (as that term
7 is used in the Court’s November 22 Order), to avoid the production of irrelevant materials; and

8 WHEREAS, the parties have reached a final resolution concerning these regulatory
9 materials;

10 THE PARTIES THEREFORE AGREE as follows:

- 11 1. Genentech will make a rolling production of the materials listed in the regulatory
12 index provided to counsel for the University of Pennsylvania on December 15, 2010,
13 with the production to be completed by March 31, 2011.
- 14 2. Genentech will produce the records on a hard drive for inspection, with a proper
15 designation under the Protective Order in this action. Genentech will not OCR or
16 Bates label individual documents. The records will be organized and archived in a
17 manner that will permit counsel for the University of Pennsylvania to identify and
18 retrieve the materials listed in the December 15, 2010 index.
- 19 3. If, after inspection, the University of Pennsylvania determines that it desires to use
20 any of the records in this litigation, counsel will identify such records to counsel for
21 Genentech, who will ensure that they are Bates labeled and promptly will produce
22 them to the University of Pennsylvania in Bates labeled form. No records may be
23 used as evidence by the University of Pennsylvania until they are identified to
24 counsel and receive a Bates label. The University of Pennsylvania, further, will
25 reimburse Genentech for one-half of the actual reasonable cost of having its vendor
26 process all records that must be processed according to this paragraph.

5. This production shall constitute compliance with Document Request No. 36 propounded by the University of Pennsylvania, subject to any supplementation required under Federal Rules.

Respectfully submitted,

SIDLEY AUSTIN LLP

Attorneys for Plaintiff GENENTECH, INC.

IRELL & MANELLA LLP

Attorneys for Defendant THE TRUSTEES OF
THE UNIVERSITY OF PENNSYLVANIA

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SO ORDERED.

Dated: March 9, 2011



PAUL S. GREWAL
United States Magistrate Judge